G. R. S. 59]

GENERAL AND REVENUE SECRETARIAT.

1909

(P-9) (Legislation

File No. 4 of 1909-10

Serial Nos. 7

Papers Filed.

Month January 1910

SUBJECT.

Judgment in Cri. Appeal case No. 35 of 1908-9 on the file of the District Magistrate's court Chitaldroog re the use of false measures and weigh.

PREVIOUS REFERENCES.	LATER REFERENCES.

G.R.S. 11] 1909-10

GENERAL AND REVENUE SECRETARIAT.

(Legis)

NOTES.

File No. 4 /1909-10

FILE HEADING.

Judgment in Cri. Appeal case No 35 of 1908-09 on the file of the court of the District Magistrate Chitaldrug, re the use of false weights and measure

From

The District Magistrate, Chitaldrug District

No. 233 Dated 23rd Dec: 09 Received 27/12/09

Diary No. 1604	Enclos.	Spare Copies	Serial No. 7

BRIEF ABSTRACT OF LETTER.

Suggests that in order to prevent the use of counterfeit measures there should be used such a mark on them that would be hard for any one to imitate and that every seer prepared in the jail may bear the impress of H.H. the Maharaja's ~~Coat of Arms~~ Coat of arms

NOTES AND ORDERS

NOTES—First sheet

GPB—30,000—3-4-(

Routine Notes

2

[To be used only for notes; requisitions, etc., not intended for permanent record.]

J 1604

Letter No. 233-A dtd 23rd Dec.
from the Dist: Magistrate,
Chitaldrug Dist, suggesting
that in order to prevent
the use of counterfeit
measures there should
be used such a mark
in them that would be
hard for any one to imita
and that every seer measure
in the jail may bear the
impress of H. H. The Maha-
raja's coat of arms.

sd 7
Legis 4-1-9-

S

In the draft Rules relating
to the weights and measure
which are before the
Council, provision seem
to have been made in
Rule 12 for the suggestion
made by the Dist: Magistrate
This may also be considere
along with the subject
now before the Council

M S W
4.1.1910

S.H.

re Rules relating to the Weights and measures.

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

7/1/10

provision not already
been made in the rules
It is impossible to
adopt an elaborate
design impossible

GPB—45,000—19-5-08

Legis 4 - , Sr 7

District Magistrate's Office,

Chitaldrug District

Dated, Chitaldrug, 23rd December 1909.

No - 232

From

To

Mr. Thengrah Chetty, Esquire, B. A.,

District Magistrate.

Chitaldrug Dist—

Sir,

C. S. Balasundaram Ayyar, Esquire, B. A

Offg: Secretary to the Government of

His Highness the Maharaja of Mysore,

General and Revenue Department,

Bangalore

Sir,

In invoking your reference to Government order No. J 1026-35/Legis 4-09 dated 21st September 1909 regarding the use of Counterfeit measures, I have the honor to submit that as already observed in the judgment of this Court, published along with the said order, it is not at present possible to distinguish genuine measures from counterfeit ones, i.e. what are known as standard measures. The present distinguishing mark stamped on them is by no means difficult of imitation.

2. I beg therefore to suggest that by mark so devised as to defy easy

1907 1604

From

The District Magistrate
Chubalong District

To

The Secretary to the Governmen
of H.H. the Maharaja of Darp
Jeneral & Revenue Dept
Bairgolere

Dated

Despatched 24-12-09

Received 24th December 09

General No. 233

No.

Enclosure No.

Suggesting certain means
whereby the evils resulting
from the use of counterfeit
measures may be minimise

GPB—2,00,000—12-4-09

imitation and by supplying new measures with such mark in the place of those now in use, the present evil can to a Considerable extent be minimised. Every seer prepared in the Jail may bear the impress of H. H the Maharajas Coat of Arms.

I have the honor to be,

Sir

your most obedient Servant,

District Magistrate

Chittaldroog District

Proceedings of the Government of His Highness the Maharaja of Mysore.

READ—

Letter No. 42, dated the 3rd August 1909, from the District Magistrate, Chitaldr forwarding a copy of his judgm[illegible] Criminal Appeal Case No. 35 of 1908-09, and the m sures referred to therein—

(Enclosure.)

IN THE COURT OF THE DISTRICT MAGISTRATE, CHITALDRUG DISTRICT.

Dated 10th May 1909.

Present—M. Chengiah Chetty, Esq., B.A., District Magistrate.

Petition of Criminal Appeal in Criminal Case No. 35—08-09, against the co[illegible] sentence given by the Amildar and 2nd Class Magistrate, Challakere, in Criminal Case No. 53 of 1908-09, (Appellant Salabanna of Doddasiddavvanahalli, Chitaldrug Taluk, by Mr. C. Channakesavaiya, B.A., Advocate.)

Judgmen

1. The appellant was charged for fraudulently using a false measure in the Challakere arket, an offence punishable under Section 265, Indian Penal Code. The Magistrate found him guilty of the said offence and sentenced him to pay a fine of Rs. 50 or in default to suffer rigorous imprisonment for a fortnight.

2. The grounds of appeal presented on the 15th April 1909, are as follows:—

(1) That the appellant has in good faith used the Government seer, Article No. 1, and the prosecution has not established beyond doubt that he acted fraudulently.

(2) That from the evidence of the prosecution, it is quite clear that the several Government seers used in one market do not exactly tally with one another.

(3) That under such circumstances it is not just to punish a person who happens to innocently use any one of them.

(4) That the quantity by which the Article No. 1 is said to have been less is very small, and the difference might be probably due to the ingenuity in measuring.

(5) That this case clearly falls under Section 79, Indian Penal Code, as the appellant has used Article No. 1 under *bonâ fide* belief that it is a true Government seer and under Section 95, Indian Penal Code, as the deficiency in Article No. 1 is very small.

(6) That the Lower Court has erred in the appreciation of evidence.

(7) That the punishment is very severe. And

(8) That the judgment of the Lower Court is against law, weight of evidence and the probabilities of the case.

3. In this case the accused was convicted for using false measure under Section 265, Indian Penal Code, and sentenced to pay Rs. 50 fine.

4. In the sante at Challakere, the accused was selling navane in a seer, which bears the stamp 'Government of Mysore, 1 seer, 1898.' The Police seized this seer and produced it before the Magistrate with a charge sheet stating that this seer was less than the seer kept in the Police Office by $\frac{1}{5}$th of a pavu. This seer bears the stamp 'Government of Mysore, 1 seer, 1893.' The Magistrate sent for other seers stamped Government of Mysore 1895 and 1896.

5. Thus the Court examined the seers of 1893, 1895, 1896 and 1898 and found them to disagree. The Magistrate says in his judgment that unfortunately there is a slight disagreement between some of the measures produced before the Court although all of them are stamped Government of Mysore, but as the measure produced by the accused measures less than all of them, he suspects that the accused has tampered with the genuine measure by reducing the dimensions. He further states that there are some marks on the seer which make him think that the dimensions have been cut short. But I am unable to find any such marks to indicate that it has been tampered with. One Venkappa admits that this seer was sold by him to the accused's father two or three months previously.

6. From the above facts, it will be seen that the accused has not used this seer with any fraudulent intention. He purchased a seer bearing the stamp of Mysore and used it in the sante. If it is found to be less when compared with other seers which are supposed to be standard seers, which themselves do not agree, I do not understand why the Court should presume that the accused tampered with this measure. He may have come by it in all innocence. The mistake may have taken place when this measure was manufactured

7. I therefore admit the appeal petition and set aside the finding and sentence of the Lower Court and direct that the fine be refunded, if already paid

Note.—The measures of 1893, 1895, 1896 and 1898 will be forwarded to Government pointing out the differences, for such action as they deem necessary."

M. CHENGIAH CHETTY,
District Magistrate

2. Correspondence ending with letter No. 150, dated 21st September 1909, from the Superintendent, Central Jail, Bangalore.

"In reply to your No. J. 826, dated 20th September 1909, I have the honor to state that by a careful comparison of the formation and size of the inscribed letters, I am of opinion that the measures in question were not prepared in this Jail.

No. J. 1026-35—LEGIS. 4-09, DATED BANGALORE, 1ST OCTOBER 1909.

ORDER THEREON.—Copies of the foregoing are forwarded to the District Magistrates for information and necessary action, with the remark that counterfeit measures purporting to have been manufactured in the Central Jail and bearing the stamp of the Government of Mysore as impressed by the said Jail are apparently in use in several districts.

K. S. CHANDRASEKHARA AIYAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The District Magistrate of Chitaldrug, returning the measure.
The other District Magistrates.
The Superintendent, Central Jail, Bangalore.
The Inspector-General of Police in Mysore.

Exd.—C. V

1909-10

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

JUDICIAL AND LEGISLATIVE
(LEGISLATIVE)

PROCEEDINGS

Dated 1st October 1909

NO. J. 1026-35 / Legis. 4-09

Forwarding copies of the judgment in Criminal Appeal Case No. 35 of 1908-09 on the file of the District Magistrate, Chitaldrug District, and letter No. 150 of 21st September 1909, from the Superintendent, Central Jail, Bangalore, for information and necessary action, to the District Magistrates.

GPB—14-01-09 300